

MINUTES OF THE MEETING  
OF THE  
BOARD OF MEDICINE AND SURGERY

March 26, 2010

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman Vonn E. Roberts, MD, at 9:00 am on Friday, March 26, 2010, at the Staybridge Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The following members answered the roll call:

Vonn E. Roberts, Chairman  
Merle J. Henkenius, Vice-Chairman  
Michael J. Bittles, MD  
David A. Dryburgh  
Karen M. Higgins, MD  
Michael A. Sitorius, MD  
Carl V. Smith, MD

Absent: Judith A. Scott, DO, Secretary

A quorum was present and the meeting convened.

Also present to participate in the meeting: Susan Ugai, Assistant Attorney General; Robert Semerena, Administrator, Investigations Unit; Michael Grutsch, Program Manager; Jeff Newman, Investigator; Kathleen Krueger, Investigator; and Peggy Persell, Investigator. Present from the Licensure Unit: Becky Wisell, Section Administrator and Vicki Bumgarner, Health Licensing Coordinator.

ADOPTION OF AGENDA

Smith moved, seconded by Dryburgh, to adopt the revised agenda. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Absent: Scott. Voting nay: None. Motion carried.

APPROVAL OF MINUTES OF THE MEETING

Smith moved, seconded by Dryburgh, to approve the minutes of the meeting for January 22, 2010. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, REVIEW OF DISCIPLINARY CASES PENDING, PENDING LITIGATION, & APPLICATION REVIEW – CLOSED SESSION

Smith moved, seconded by Dryburgh, to go into closed session for the purpose of reviewing the investigational reports, disciplinary reports and other closed session items as identified on the agenda. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried and the meeting went into closed session at 9:02 am.

Higgins recused herself from the meeting at 9:05 am. She returned to the meeting at 9:10 am.

Roberts recused himself from the meeting at 9:58 am. He returned to the meeting at 10:02 am.

Smith recused himself from the meeting at 10:20 am. He returned to the meeting at 10:22 am.

Sitorius recused himself from the meeting at 10:20 am. He returned to the meeting at 10:22 am.

Ugai left the meeting at 11:07 am.

Suzanna Glover-Ettrich, Department Legal Counsel, entered the meeting at 11:07 am.

Ugai returned to the meeting at 11:10 am.

The meeting returned to open session at 11:10 am.

PHYSICIAN APPLICATION REVIEW & DISPOSITION

Initial Licensure

George Atiee, MD – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Margaret Beran, MD - application for a license to practice medicine and surgery. Dryburgh moved, seconded by Smith, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

John Harrington, MD - application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Larry Menestrina, DO – application for a license to practice osteopathic medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Coley O'Doherty, DO – application for a license to practice osteopathic medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license pending completion of the application. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Peter Piampiono, MD – application for a license to practice medicine and surgery. Dryburgh moved, seconded by Smith, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Jyotiranjana Pradhan, MBBS – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license pending completion of the application. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Chad Surratt, MD – application for a locum tenens permit. Dryburgh moved, seconded by Smith, to approve issuance of a permit. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Michael Ivory, MD – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

John Blomstedt, DO – application for a license to practice osteopathic medicine and surgery. Bittles moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Chad Reade, MD – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Mark Quintero, MD – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Jennifer McCain, DO – application for a license to practice osteopathic medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Garry Brady, DO – application for a license to practice osteopathic medicine and surgery. Bittles moved, seconded by Smith, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Nga Do, MD – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Ismail Kazem, MD – application for a license to practice medicine and surgery by reciprocity from Pennsylvania. Smith moved, seconded by Bittles, to accept his non-ACGME accredited postgraduate education because he is certified by the American Board of Radiology and to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

Gerald Melchor, MD – application for a license to practice medicine and surgery and for approval to retake USMLE steps 1 and 2 because he is over the ten year time limit. Smith moved, seconded by Dryburgh, to approve his retake of steps 1 and 2 and approval of issuance of a license after successful completion of the required steps and completion of his application. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

James Henry Keene, MD – application for a license to practice medicine and surgery. Smith moved, seconded by Dryburgh, to approve issuance of a license. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

#### SUMMARY OF RECOMMENDATIONS MADE BY MAIL BALLOT

The Board reviewed the recommendation made by mail ballot since the last meeting:

Kimberly McKinney, MD – application for a license to practice medicine and surgery, which was approved.

#### Reinstatement

Thomas A. Nicholas, MD – application for reinstatement of license. Nicholas is currently on probation and was requesting to have his license reinstated on probation with the change that the requirement for Alcoholics Anonymous attendance be reduced from three meetings a week to two meetings a week. Smith moved, seconded by Dryburgh, to approve the request for reduction of the number of required AA meetings from three to two meetings a week. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

#### PHYSICIAN ASSISTANT ISSUES

##### Initial Application for Physician Assistant

Jeanie Kittleson – application for a physician assistant license. Dryburgh moved, seconded by Smith, to accept the recommendation of the Physician Assistant Committee, which was to approve issuance pending completion of the application. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

##### Physician Assistant Continuing Competency

The Physician Assistant Committee had considered the possibility of requiring recertification with the National Commission on Certification of Physician Assistants as the continuing competency requirement for renewal of

physician assistant licenses. After further research into the matter it became apparent that this would be unnecessarily restrictive. Smith moved, seconded by Dryburgh, to accept the Physician Assistant Committee recommendation, which was to maintain the current continuing competency regulatory requirements for Physician Assistants. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

#### UPCOMING PHYSICIAN LICENSE RENEWAL

All physician and osteopathic physician and surgeon licenses will expire October 1, 2010. Licensure Unit staff stated that the renewal notices will be mailed to all licensees in July. Additionally, there will be only two acceptable conditions for waiver of the continuing competency because of statutory changes in the Uniform Credentialing Act. The only conditions for waiver for this renewal will be that the licensee was first licensed in Nebraska within the previous 24 months, or that the licensee served as active duty military sometime within the previous 24 months.

#### PRESCRIPTION MONITORING PROGRAM STUDY – APPOINT BOARD REPRESENTATIVE FOR STAKEHOLDER GROUP

Wisell explained that the Department is conducting a study regarding whether or not to implement a prescription monitoring program and if so, to determine how it would be structured. A stakeholder group is being established to participate in the study. The Board directed staff to contact Judith Scott, DO, to see if she could participate as the Board's representative. If she is unable to participate, the Board asked that retired Board members Randy Kohl, MD or Arthur Weaver, DO be contacted to see either of them would be willing to represent the Board on the stakeholder group.

#### AMA "PHYSICIAN REENTRY TO CLINICAL PRACTICE: REGULATORY CHALLENGES AND OPPORTUNITIES" CONFERENCE

The Board had received an invitation to attend a conference on "Physician Reentry to Clinical Practice: Regulatory Challenges and Opportunities" scheduled for May 26-27, 2010 in Chicago, sponsored by the American Medical Association. The AMA would reimburse expenses for travel and lodging. Dryburgh moved, seconded by Smith, to recommend to the Department that Wisell be approved to attend this meeting. Voting aye: Roberts, Henkenius, Bittles, Dryburgh, Higgins, Sitorius, Smith. Voting nay: None. Absent: Scott. Motion carried.

#### UPDATE REPORT ON DEPARTMENT WORKGROUP ON AESTHETIC PROCEDURES

Bittles reported on the recent meeting of the Department Workgroup on Aesthetic Procedures which he attended. This group is looking at various aesthetic procedures and which licensed individuals should be able to perform them. The group was not considering use of any of the procedures by non-licensed individuals. Focus on use of lasers involved categorization of lasers into invasive and non-invasive types of equipment. Board members agreed that they could consider amending their previous stance on use of lasers as the workgroup moves forward on this issue and is able to provide additional information.

#### FEDERATION OF STATE MEDICAL BOARDS ISSUES

Dryburgh, Henkenius, Scott and Wisell will be attending the FSMB Annual Meeting in Chicago April 22 – 24, 2010.

Board members had reviewed information regarding Nominations for Director or Committees, the SPEX Examination and the Summary of Board Actions, and there was no discussion on these agenda items.

#### 2010 LEGISLATION

Roberts stated that he had attended the legislative hearings on two bills regarding medical liability recently.

Roberts stated that he would like to have the Board consider raising the postgraduate education requirement for initial licensure from one year to three years (for US/Canadian graduates), completed in a continuum, as a future legislative concept.

#### FINANCIAL REPORT

The Board reviewed the financial report as of February 28, 2010.

#### PRACTICE QUESTION FROM THE BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

The Board considered the following question from the Board of Audiology and Speech-Language Pathology: must the licensed physician who interprets or oversee a modified barium swallow be a radiologist? The Board discussed that physician licenses are not issued according to a specific medical specialty, and therefore any physician could interpret or oversee the procedure as determined by the facility and their privileging requirements.

#### PHARMACEUTICAL CARE AGREEMENTS

Board members had reviewed the pharmaceutical care agreements submitted since the last meeting.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 12:12 pm.

Respectfully submitted,

\*signature on file\*

Merle Henkenius, Vice-Chair  
Board of Medicine & Surgery